

DDS&T-5600-78

20 NOV 1978

MEMORANDUM FOR: Michael J. Malanick
Acting Deputy Director for Administration

FROM : Ernest J. Zellmer
Associate Deputy Director for
Science and Technology

SUBJECT : Implementation of EO 12065

REFERENCE : Acting Deputy Director for Administration
Memo, Same Subject, Dated 14 Nov. 1978,
DDA 78-4299

The following comments are submitted and keyed
to reference attachments:

Tab A - Regulation (draft HR)

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a. Para 3c. - Since this regulation covers the Agency Information Security Program by definition in the Synopsis, suggest that the reader be informed that information on the implementation of that portion of EO 12065 concerning safeguarding of national security information can be found in HR ____?

b. Neither the draft regulation nor the handbook establish the Agency committee to act on suggestions and complaints, see Section 5-404 of the Order. We suggest the committee be established.

Tab B - Draft Headquarters Handbook

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a. Page 4, Para 3d - The four reasons stated in this paragraph for extension of classification beyond six years were developed internally. Reasons (1), (2), and (3) are specific, easy to understand and can be applied with assurance. Reason 4, however, is a "catch-all", it is diverse, complicated and we believe

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will lead to misunderstanding, uncertainty on the part of the user. Likewise the subparagraphs include elements which overlap and are far too controversial as to interpretation for universal use and precise selection. We suggest that reason 4 be divided into several reasons, examples may be found in the draft guides submitted by various Directorates.

b. Page 7, para 6d - Designation in writing of derivative classifiers is not required by the Executive Order.

c. Page 10, paragraph 9g - We disagree with the handbook that the only category of information that should be stated in the "catch-all" paragraph of the Order is "information that could be expected to place an individual in immediate jeopardy". In the preparation of DDS&T guides, under category g we presented six general areas that we believe are valuable to users of the guide. We believe that these "other categories" should be a determination by the DCI as provided in the Order.

d. Page 12, Para 10a

Page 13, Para 11d - At the end of each of the above cited paragraphs the following is stated "except that until 1 April 1979 only officials with original classification authority are authorized to classify information". The EO does not require this prohibition and we do not agree that such a limitation should be imposed. To include this "exception" means that from 1 Dec 78 to 1 Apr 79 no derivative classification action can be taken. If this period of time is needed merely to accomplish administrative and bureaucratic procedures, we suggest that a positive approach be taken to the effect that current classifiers under EO 11652 are permitted to continue classification actions in consonance with the provisions of EO 12065 until such time as their positions are formally, in writing, designated as having original classification or derivative classification authority under Section 1-204 of EO 12065.

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e. Page 13, Para 11e - The EO does not limit the authority of original classifiers as long as they comply with other provisions of the Order. An original classifier should not be limited to only originally classifying information.

f. Page 13, Para 11f - This paragraph is unclear. One interpretation is that documents containing information covered in the classification guides is classified as a derivative classification action. This means that only Deputy Directors and Heads of Independent Offices are original classifiers. However, paragraph g. states that the DDCI will approve the guides for use as Agency guides.

g. Page 13, Para 11i - All guidelines, classification and declassification, should be considered "Agency" guidelines. Suggest the deletion of the last sentence of above cited paragraph. The classification of certain sections (components) guides will determine the distribution, control channels, storage and proper receipting. We suggest that each Directorate, in accordance with para 6d and the first sentence of 11i of the handbook, designate the officials within the Directorate to receive, store, maintain and serve as a focal point for complete sets of all guides.

h. The process to decide appeals required by Section 5-404c of the Order is not addressed in the handbook.

Tab C - Issues Paper

a. Page 2, Para B2 - We do not believe this is an issue since all classified documents under the EO will show office of origin. This requirement will eliminate classified "blind memos". We believe that the Information Security Oversight Office should provide the design for markings and stamps which would be uniform throughout the government.

b. Page 3, Para D - See our comments under Tab B, Para c.

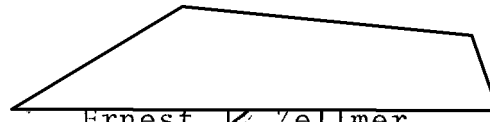
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c. Page 3, Para E - See our comments under Tab A, Para 3c. In addition we believe that all implementing instructions and procedures, including safeguarding should be in the handbook for ease of use.

d. Page 4, Para F.2. - See our comments under Tab B, para e.

e. Page 5, Para G - See our comments under Tab B, para g.

f. Page 5, Para H - See our comments under Tab B, para g.


Ernest J. Zellmer

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